

STATE WATER CONTROL BOARD
NOTICE OF INTENT TO PROVIDE SECTION 401 WATER QUALITY CERTIFICATION OF
BALTIMORE DISTRICT ARMY CORPS OF ENGINEERS' REGIONAL GENERAL PERMIT (RGP)
FOR CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) ACTIVITIES
May 13, 2020

Pursuant to Virginia Water Protection (VWP) Permit Regulation 9 VAC 25-210-130 H, the State Water Control Board (Board) is giving notice of its intent to provide unconditional Section 401 Water Quality Certification for activities authorized by the above referenced U.S. Army Corps of Engineers (USACE) Baltimore District Regional General Permit after considering public comment for a 30-day period starting May 13, 2020.

On December 9, 2019, the U.S. Army Corps of Engineers (USACE) Baltimore District published a notice of their proposed issuance of the *Regional General Permit (RGP) For Chesapeake Bay Total Maximum Daily Load (TMDL) Activities*. This proposed regional general permit authorizes activities in waters of the U.S., including jurisdictional wetlands, that are part of an acceptable watershed strategy, such as a Chesapeake Bay TMDL Watershed Implementation Plan (WIP), whose purpose is to identify implementation activities needed to meet nutrient and sediment load reduction targets in accordance with the Chesapeake Bay TMDL. Applicable waters include nontidal waters and nontidal wetlands in the Chesapeake Bay watershed within the State of Maryland; within the District of Columbia; and within Fort Belvoir, Fort Myer, and the Pentagon in Virginia. This TMDL RGP is proposed to provide a streamlined form of Department of the Army authorization for certain recurring activities that are similar in nature, have minimal individual and cumulative adverse effects on the aquatic environment, and stratify other public interest review factors. Per the Corps notice, the substantive proposed modifications consist of inclusion of activity-specific limits and requirements for stormwater management facilities, outfall structures, and stream and wetland restoration projects to reduce confusion over threshold and reporting requirements; minor changes to thresholds for individual activities and elimination of thresholds for temporary impacts, clarification of activities requiring Corps verification with agency coordination; and a requirement for post construction reporting for all activities. The USACE notice and proposed TMDL RGP can be found at:

<https://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Year/2019/Month/12/>

The Board may only issue final Section 401 Certification decisions of a nationwide or regional USACE permit if the permit meets the requirements of the VWP regulation, as well as having advertised and accepted public comment for 30 days on its intent to provide, deny, or condition certification. Therefore, the State Water Control Board will issue its final Section 401 Water Quality Certification decision on this Regional Permit and conditions at the end of the public comment process.

Written comments, including those by email, must be received no later than **June 12, 2020**, and should be submitted to David L. Davis at the address given below. Only those comments received within this period will be considered by the Board. Written comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. **CONTACT PERSON:** For additional information, contact: David L. Davis, Director, Office of Wetlands & Stream Protection - Department of Environmental Quality, P. O. Box 1105, Richmond, Virginia 23218, Phone (804) 698-4105, or e-mail vwppublicnotices@deq.virginia.gov.